

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

RUSSELL KENNETH FOSTER, )  
 ) CASE NO. C12-1851-RAJ  
Plaintiff, )  
 )  
v. ) ORDER DISMISSING COMPLAINT  
 ) WITHOUT PREJUDICE  
BENTON COUNTY JAIL, )  
 )  
Defendant. )  
\_\_\_\_\_ )

The court has reviewed the complaint, the Report and Recommendation (Dkt.# 4) of Mary Alice Theiler, United States Magistrate Judge, and the remaining record. The court notes that no party objected to the Report and Recommendation. The court orders as follows:

- (1) The Court adopts the Report and Recommendation;
- (2) The court DENIES Plaintiff's application to proceed in forma pauperis;
- (3) The court dismisses this action without prejudice, pursuant to 28 U.S.C. § 1406(a), and;

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01 (4) The court directs the clerk to send this Order to plaintiff, along with the original  
02 paperwork filed by plaintiff to open this case. The Clerk shall also send a copy of this Order to  
03 Judge Theiler.

04 DATED this 26th day of November, 2012.

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08 The Honorable Richard A. Jones  
09 United States District Court Judge  
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